

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

**ROBERT I. HANFLING, CHAPTER 7
TRUSTEE FOR ATG, INC. AND ATG
CATALYTICS L.L.C.,**

Plaintiffs,

vs.

**EPSTEIN BECKER & GREEN, P.C.,
et al.,**

Defendants.

C.A. No. 05-10077-RGS

July 17, 2006

**MOTION, ON CONSENT, TO EXTEND PLAINTIFFS' DEADLINE
TO FILE OPPOSING STATEMENT OF FACTS PURSUANT TO LOCAL RULE 56.1,
AND TO EXTEND DEFENDANT'S DEADLINE TO FILE REPLY MEMORANDUM.**

The Plaintiffs, Robert I. Hanfling, Chapter 7 Trustee for ATG, Inc. and ATG Catalytics, LLC (together the "Plaintiffs") hereby move, with consent of defendant Epstein Becker & Green, P.C. ("EBG"), to extend Plaintiffs' deadline to file an opposing statement of facts pursuant to Local Rule 56.1 to July 18, 2006, and to extend EBG's deadline to file a reply memorandum in response to Plaintiffs' memorandum in opposition to EBG's motion for summary judgment to July 24, 2006. As grounds for this motion, the Plaintiffs respectfully represent as follows:

1. On June 7, 2006, EBG filed a motion for summary judgment (the "Motion"), together with a supporting memorandum of law and three supporting affidavits. EBG's statement of undisputed facts, pursuant to Local Rule 56.1 was not filed at the same time as the Motion, but was filed on July 7, 2006. Plaintiffs filed their memorandum in opposition to the Motion on July 7, 2006. EBG's reply memorandum is currently due on July 21, 2006.

2. On July 10, 2006, the Plaintiffs moved, with EBG's consent, to extend Plaintiff's deadline to file an opposing statement of facts pursuant to Local Rule 56.1, wherein, the Plaintiffs sought authority from the Court to extend their deadline to file their Local Rule 56.1 statement to July 17, 2006. Further, Plaintiffs sought until July 17, 2006 to amend their opposing memorandum of law and supporting affidavits to the extent necessary to address matters raised in EBG's Local Rule 56.1. On July 10, 2006, the Court granted the Plaintiffs' motion.

3. By this motion, the Plaintiffs seek to further extend their deadline, one additional day, to July 17, 2006 to file their Local Rule 56.1 statement and to amend their opposing memorandum of law and supporting affidavits to the extent such a change might be warranted on account of the matters set forth in EBG's statement of undisputed facts. Plaintiffs require an additional day due to unexpected limitations on personnel resources within Plaintiff's counsel's office. Specifically four of the personnel employed with Plaintiff's counsel's firm that would handle various aspects of the completion and filing of the Local Rule 56.1 statement were out of the office on July 17, 2006.

4. On July 17, 2006, Plaintiffs' undersigned, conferred with EBG's counsel, Paula M. Bagger, Esq., of the law firm Cooke, Clancy & Gruenthal, LLP, in order to request one additional day to comply with the Plaintiffs' deadline, as set by the Court's July 10, 2006 order. EBG's counsel agreed to this request, provided that Plaintiff's would agree to extend EBG's deadline to file its reply memorandum one additional business day to Monday, July 24, 2006. Plaintiffs agree to extend EBG's deadline to file a reply memorandum one additional business day.

5. The Court has scheduled a hearing on the Motion for October 12, 2006.

6. This is the second motion concerning the deadline for Plaintiff's to file a Local Rule 56.1 statement in connection with the Motion. This is the first motion directly concerning EBG's deadline to file a reply memorandum in connection with the Motion.

WHEREFORE, the Plaintiffs request that the Court allow the Plaintiffs one additional day, until July 18, 2006 to file an opposing statement of facts, as contemplated by Local Rule 56.1, and to amend their opposition memorandum of law and supporting affidavits, to the extent necessary to address matters raised in EBG's statement of undisputed facts; and to extend EBG's deadline to July 24, 2006 to file a reply memorandum, and grant such other and further relief as the Court deems just and proper.

Dated: Norwalk, Connecticut
July 17, 2006

THE PLAINTIFFS,
By their attorneys,
JACOBS PARTNERS LLC

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